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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,088	12/21/2006	Christoph Herrmann	DE03 0362 US1	1119

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EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2112

MAIL DATE	DELIVERY MODE
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06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,088	Applicant(s) HERRMANN, CHRISTOPH	
	Examiner FRITZ ALPHONSE	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in regard to the application filed on 12/21/2006. Claims 1-11 have been presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The Information Disclosure Statement (IDS) submitted on 4/24/2006 has been considered by the examiner.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran (US Pub No. 2003/0156573 A1).

As to claim 10, Tran (figs. 1-4) discloses a communication system for performing a decoding of data, comprising a transmitting station and a receiving station (paragraph[0002]), wherein the transmitting station is adapted to perform an initial transmission and at least one retransmission of the data from the transmitting station to the receiving station (paragraph[0033]); wherein the receiving station is adapted to receive the initial transmission and the at least one retransmission of data from the transmitting station; wherein the receiving station is adapted to decode the initial transmission of the data resulting in a first decoding result and to decode the at least one retransmission of the data resulting in at least one second decoding result (paragraph[0023]); wherein the receiving station is adapted to combine selected ones of the first and at least one second decoding results into a combined decoding result for reconstructing the data (paragraph[0034]).

As to claim 11, Tran (figs. 1-4) discloses a receiving station for a communication system for performing a decoding of data (paragraphs[0001, 0002]), wherein the receiving station is adapted to receive an initial transmission and at least one retransmission of data from the transmitting station (paragraph[0023]); wherein the receiving station is adapted to decode the initial transmission of the data resulting in a first decoding result and to decode the at least one retransmission of the data resulting in at least one second decoding result (paragraph[0016]); wherein the receiving station is adapted to combine selected ones of the first and at least one

second decoding results into a combined decoding result for reconstructing the data (fig. 4; paragraphs [0015-0016]).

As to claim 1, Tran discloses a method for decoding of data, the method comprising the steps of: receiving an initial transmission and at least one retransmission of data from a transmitting station in a receiving station (paragraph [0010]); wherein a decoding of the initial transmission of the data results in a first decoding result and a decoding of the at least one retransmission of the data results in at least one second decoding result (paragraph [0018]); combining selected ones of the first and at least one second decoding results into a combined decoding result for reconstructing the data ([0019]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Hwang (U.S. Pat. No. 7,298,804).

As to claims 2-3, Tran does not explicitly disclose sub-combinations of the first and at least one second decoding results are used for reconstructing the data. However, the limitations are obvious and well known in the art, as evidenced by Hwang (col. 8, lines 39-47).

Therefore, it would have been obvious to a person of ordinary skill in the art, as the time of the invention to improve upon the communication system, as disclosed by Hwang. Doing so

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would provide a receiving apparatus for increasing symbol processing speed by reducing reception conception complexity in a mobile communication system.

As to claims 4-5, Tran discloses a method, wherein a limited number of the first and at least one second decoding results is combined into a combined decoding result for reconstructing the data. Furthermore, Tran teaches that an estimation is performed which one of the first decoding result, the at least one second decoding result, and the at least one combined decoding result contains the lowest number of uncorrectable errors (paragraph [0038]).

As to claims 6-9, the dependent claims 6-9 included in the statement of rejection but not specifically addressed in the body of the rejection have inherited the deficiencies of the parent claim 1 and have not resolved the deficiencies. Therefore, they are rejected based on the same rationale as applied to the parent claim above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fritz Alphonse/

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6/18/2008

/JACQUES H LOUIS-JACQUES/

Supervisory Patent Examiner, Art Unit 2112